

1 NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE

State Bar #CA 117234

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6 Attorneys for United States Trustee

7 Tracy Hope Davis

8 UNITED STATES BANKRUPTCY COURT

9 DISTRICT OF NEVADA

10 In re:)	Case no: BK-N-14-50331-BTB
)	Chapter 11
11 AT EMERALD, LLC,)	
)	US TRUSTEE'S MOTION TO
12)	DESIGNATE CASE AS
13)	SMALL BUSINESS CASE
)	
14)	Hearing Date: July 30, 2014
15 Debtors,)	Hearing Time: 10:00 a.m.
)	Est. Time Req.: 15 min.

16 The United States Trustee ("US Trustee"), hereby submits her Motion To Designate Case
17 As Small Business Case ("Motion"), based upon 11 U.S.C. § 101(51)(C) and (D), and Federal
18 Rules of Bankruptcy Procedure ("FRBP") 1020.
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20 The US Trustee represents that:

- 21 1. The Debtor's aggregate debts are not more than \$2,490,925;
- 22 2. The US Trustee has not appointed an unsecured creditors committee; and
- 23 3. The Debtor's primary activity is not the business of owning or operating real
24 property.
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1 This Motion is based upon the following points and authorities, together with the entire
 2 record in this case, of which the US Trustee respectfully requests the Court take judicial notice,
 3 and such evidence as may be introduced at the hearing on this motion.

4 **POINTS AND AUTHORITIES**

5 Pursuant to 28 U.S.C. § 586(a)(3), the US Trustee is charged with supervising the
 6 administration of cases and trustees under the Bankruptcy Code. To enable the US Trustee to
 7 carry out that duty, Congress has granted the US Trustee standing to raise and to “appear and be
 8 heard on any issue in any case or proceeding” brought under the Bankruptcy Code. 11 U.S.C. §
 9 307. Pursuant to 28 U.S.C. § 586(a)(7), the US Trustee is instructed to review and monitor
 10 diligently small business cases.

11 **A. Statement of Facts:**

- 12 1. The Debtor filed voluntary bankruptcy under chapter 11 on March 4, 2014.
 13 Docket #1.
 14 2. The Debtor’s Summary Of Schedules lists its total debt at \$541,200. Docket #1,
 15 pg. 6.
 16 3. The Debtor’s Statement of Financial Affairs states its “Nature Of Business” as
 17 “Holding Company”. Docket #1, pg. 23.
 18 4. The Debtor’s affiliate case, Anthony & Wendi Thomas, BK-N-14-50333-btb has
 19 total debt of \$1,262,568.94. Case No. 14-50333-btb, Docket #1, pg. 14.
 20 5. The US Trustee has not appointed an unsecured creditors committee.
 21 6. The 341 Hearing was concluded on March 31, 2014.

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CONCLUSION

WHEREFORE, for all the reasons stated above, the US Trustee respectfully requests the Court grant the US Trustee's Motion, order this case to be designated as a small business case, and grant such other relief as the Court deems proper.

DATED this 30th day of April, 2014.

Respectfully submitted,

Nicholas Strozza
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/s/ WILLIAM B. COSSITT

Attorneys for United States Trustee
Tracy Hope Davis

CERTIFICATE OF SERVICE

1. On April 30, 2014, I served the foregoing US TRUSTEES MOTION TO DESIGNATE CASE AS A SMALL BUSINESS CASE

2. I served the above-named document(by the following means to the persons as listed below:

☒ a. ECF System:

TIMOTHY A LUKAS ecflukast@hollandhart.com

ALAN R SMITH mail@asmithlaw.com

U.S. TRUSTEE - RN - 11 USTPRegion17.RE.ECF@usdoj.gov

☒ b. U.S. Mail, postage fully prepaid:

AT EMERALD, LLC

7725 PEAVINE PEAK COURT

RENO, NV 89523

I declare under penalty of perjury that the foregoing is true and correct.

Signed: April 30, 2014.

/s/ Robbin Little

ROBBIN LITTLE